

REMARKS

Claims 1 through 26 are pending in the present application. Claims 14 through 26 have been withdrawn from consideration.

The Office Action rejects claims 1 to 13 under 35 U.S.C. §112, ¶1 as new matter. The applicant respectfully submits that the feature of a mono-layer film in claim 1 is not new matter and is merely a clarification of the invention as described in the specification. The specification describes several examples of high density polyethylene film resins that exhibit a low melt index in combination with a high molecular weight including Alathon® XL5906 and HiD® 9650. Both of these HDPE films are manufactured as mono-layer films. Moreover, the specification at page 12, lines 11-19, specifically distinguishes between these examples of mono-layer HDPE films, other mono-layer films that are commercially available and multi-layer films:

A baseline was determined prior to the permeation study in order to isolate the permeants in question. The results are given for oxygen, water vapor and organic molecule transmission. For the results shown, the Chevron HiD® 9650 and Equistar XL5903 films exhibited the best barrier properties. Commercially used films, such as Formosa E905, Formosa FPC and Chevron 9640, behaved in a manner similar to one another and the co-extruded **multiple layer** CX film exhibited the worst barrier properties. (emphasis added).

Additionally, the specification at page 8, line 19 through page 9, line 1, incorporates by reference U.S. Patents Nos. 5,962,598 and 6,147,167, which describe in detail the making of high density polyethylene film. The process described and the resulting film via high stalk extrusion includes the mono-layer HDPE film, and provides support for the mono-layer film in claim 1.

As is discussed throughout the specification of the pending application, the film material is a single compound that has uniform physical properties such as melt index, tear strength, and density. Further, the examples listed on pages 8 and 9 consist of single compound materials. The specification provides support for the mono-layer film of claim 1.

The Office Action rejects claims 1 to 13 under 35 U.S.C. § 103(a) as being obvious and unpatentable over United States Patent No. 4,934,529 to Richards et al. (Richards), International Patent No. WO 02/42364 to Van Gelder et al. (Van Gelder), United States Patent No. 4,890,934 to Feaver et al. (Feaver), and the abstract of Japanese Patent No. JP 02081801A (Japanese Abstract). The applicant respectfully submits that the above-cited references do not disclose or suggest the claimed invention, and further that it would not have been obvious to a person having ordinary skill in the art to combine these references.

Claim 1 recites the features of a tubing comprising a mono-layer high density polyethylene film resin with both a low melt index and a high density that is positionable in

an annular space of a cassette and adapted to form discrete areas of enclosure of waste. Richards, Van Gelder, Feaver and the Japanese abstract all fail to disclose each of these features of claim 1.

Richards discloses a cassette for dispensing flexible tubing that can be a high density polyethylene tubing. The dispensing mechanism disclosed in Richards provides a straight release of the flexible tubing. Richards fails to disclose or suggest a mono-layer high density polyethylene film resin with both a low melt index and a high density that is positionable in an annular space of a cassette and adapted to form discrete areas of enclosure of waste.

Feaver discloses a plastic carrier bag with a cut-out carry handle. The Feaver bag is used for shipping of diapers, and requires the structural support inherent in the plastic to do so. While the Feaver bag can be made of a mono-layer film, it is not positionable in an annular space of a cassette and adapted to form discrete areas of enclosure of waste. Additionally, there is no motivation to combine the features of the plastic carrier bag of Feaver with the film in Richards. The Feaver carrier bag is not usable with the cassette in Richards.

The Japanese abstract describes a polyethylene resin disposable bag that may be formed with deodorants and that can be made from a single layer of polyethylene resin. The Japanese abstract fails to disclose or suggest a mono-layer high density polyethylene film resin with both a low melt index and a high density that is positionable in an annular

space of a cassette and adapted to form discrete areas of enclosure of waste.

Van Gelder describes a process for making a fragrant film through the introduction of a liquid fragrance into a highly porous polymer. Van Gelder fails to disclose or suggest a mono-layer high density polyethylene film resin with both a low melt index and a high density that is positionable in an annular space of a cassette and adapted to form discrete areas of enclosure of waste.

Applicant submits that it would not have been obvious to a person having ordinary skill in the art to combine Feaver, Van Gelder, and the Japanese Abstract to modify the film that is dispensed in the device of Richards.

In view of the foregoing, applicant respectfully submits that all claims present in this application are patentable over the cited combination of prior art. Accordingly, applicant respectfully requests favorable reconsideration and withdrawal of the rejections of the claims. Also, applicant respectfully requests that this application be passed to allowance.

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Respectfully submitted,

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